

PATENT

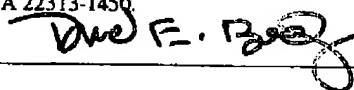
ATTORNEY DOCKET NO. 114596-03-4000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.: 09/385,394
Applicant: John S. Yates, Jr., et al.
Title: COMPUTER WITH TWO DIFFERENT EXECUTION MODES
Filed: August 30, 1999
Art Unit: 2183
Examiner: Richard Ellis
Atty. Docket: 114596-03-4000
Customer No. 38492

Confirmation No.: 9093

I certify that on January 25, 2004 this correspondence, along with any documents referred to therein, is being transmitted by facsimile to Art Unit 2183 at FAX no. 703 872 9306 and deposited with the United States Postal Service as First Class Mail in an envelope with sufficient postage addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

In accordance with 37 C.F.R. §§1.56, 1.97 and 1.98, Applicant wishes to make of record the enclosed items, as listed on the accompanying Form PTO-1449. Applicant respectfully requests the Examiner to fully consider the items and independently ascertain their teaching before issuance of the next action, and to make them of record in the file. The Examiner is also requested to initial and return a copy of the enclosed Form PTO-1449 to evidence such consideration.

1. Applicant has listed publication dates on the attached Form PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated. Applicant reserves the right to establish the patentability of the claims over any information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered. This Information Disclosure Statement should not be construed as a representation that information more material to the examination of this application does not exist.

2. The references listed on the enclosed Form 1449 are references that have come to light in applications listed in the Information Disclosure Statement of December 2000. For many of the listed references, pertinence is mentioned in the respective application file in which the reference came to light. Applicant has not reviewed all of them in detail. Of those that have been reviewed, none of the references are believed to be any more pertinent than the references provided in earlier IDS' and Forms 1449. However, in an abundance of caution, Applicant requests that they be considered.

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3. For items listed on the enclosed Form PTO-1449 (other than U.S. patents) for which a copy is not already made of record in this application, a copy was previously cited by or submitted to the Patent and Trademark Office in application Serial No. 09/239,194, filed January 28, 1999, Yates et al., Executing Programs for a First Computer Architecture on a Computer of a Second Architecture, in application Serial No. 09/322,443, filed May 28, 1999, Reese et al., Profiling of Computer Programs Executing in Virtual Memory Systems, or in application 09/626,325, filed July 26, 2000, Yates, et al., Computer with Two Operating Systems.

4. This Information Disclosure Statement is being filed at a time when a nominally-final Office Action has been mailed, but when finality of that Office Action should be withdrawn, or when prosecution may be reopened on withdrawal or reversal of all pending rejections. In the event of reopening of prosecution, entry of this Information Disclosure Statement is proper on payment of a fee pursuant to 37 C.F.R. §1.97(c)(2). Upon such entry, charge the fee due under C.F.R. §1.17(i)(1) to Deposit Account No. 23-2405, Order No. 114596-03-4000.

5. The Commissioner is hereby authorized to charge any additional fees that may be required for this Information Disclosure Statement, or credit any overpayment, to Deposit Account No. 23-2405, Order No. 114596-03-4000.

Respectfully submitted,

WILLKIE FARR & GALLAGHER LLP

Dated: January 25, 2004

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FORM PTO-1449		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTY. DOCKET NO. 114596-03-4000		SERIAL NO. 09/385,394		
INFORMATION DISCLOSURE CITATION (Use several sheets if necessary)				APPLICANT John S. Yates, Jr., et al.				
				FILING DATE August 30, 1999		GROUP ART UNIT 2183		
U.S. PATENT DOCUMENTS								
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE	
		5,043,878	08/1991	Ooi	712	42	Aug. 9, 1989	
		5,404,473	04/04/1995	Papworth	712	241	Mar. 1, 1994	
		5,613,114	3/1997	Anderson	718	108	Apr. 15, 1994	
		5,625,835	4/1997	Ebcioğlu	712	23	May 10, 1995	
		5,721,855	02/24/1998	Hinton	712	218	Jul. 12, 1996	
		5,729,728	03/17/1998	Colwell	712	234	Sep. 6, 1996	
		5,966,537	10/1999	Ravichandran	717	158	May 28, 1997	
		6,047,390	04/2000	Butt	714	43	Dec. 22, 1997	
		6,061,711	05/2000	Song	718	108	Aug. 19, 1996	
		6,071,317	06/2000	Nagel	717	128	Dec. 9, 1998	
		6,119,218	9/2000	Arora	712	207	Jul. 8, 1999	
		6,047,390	04/2000	Butt	714	43	Dec. 22, 1997	
		6,256,775	7/3/2001	Flynn	717	127	Dec. 11, 1997	
		6,289,445	09/2001	Ekner	712	244	Jul. 21, 1998	
		6,351,646	02/26/2002	Jellema	455	461	Apr. 20, 1998	
		6,481,007	11/2002	Iyer	717	151	Jun. 3, 1999	
		6,535,903	3/18/2003	Yates	718	100	Jan. 29, 1996	
		6,553,431	04/22/2003	Yamamoto	710	8	Jul. 21, 1999	
		6,631,514	10/07/2003	Le	717	137	Jan. 6, 1998	
		6,708,173	03/16/2004	Behr	707	10	Oct. 18, 2000	
		6,721,941	4/13/2004	Morshed	717	127	Aug. 22, 2000	
FOREIGN PATENT DOCUMENTS								
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
		WO 99/08188 Kelly	02/18/1999	PCT/US	G06F	11/00		
		WO 99/08191 Kelly	02/18/1999	PCT/US	G06F	12/00		
EXAMINER				DATE CONSIDERED				

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FORM PTO-1449		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTORNEY DOCKET NO. 114596-03-4000	SERIAL NO. 09/385,394
INFORMATION DISCLOSURE CITATION (Use several sheets if necessary)				APPLICANT John S. Yates, Jr., et al.	
				FILING DATE August 30, 1999	GROUP ART UNIT 2183
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Papers, Etc.)					
			Brad Calder, Peter Feller, Alan Eustace, Value Profiling, Proceedings of 30th International Symposium on Microarchitecture (Micro-30), IEEE, pages 259-269 (December 1-3, 1997)		
			Compaq Computer Corp., Compiler Writer's Guide for the Alpha 21264 (1999) //ftp.digital.com/pub/Digital/info/semiconductor/literature/cmpwrgd.pdf		
			T.M. Conte, et al., "Accurate and practical profile-driven compilation using the profile buffer," Proceedings of the 29 th Annual International Symposium on Microarchitecture, Paris, France, pp. 36-45 (Dec. 1996)		
			T.M. Conte, et al., "Hardware based profiling: An effective technique for profile-driven optimization," International Journal of Parallel Programming, vol. 24, no. 2 (Feb. 1996)		
			T.M. Conte, et al., "Using branch handling hardware to support profile-driven optimization," Proceedings of the 27 th Annual International Symposium on Microarchitecture San Jose, CA (Dec. 1994)		
			J.S. Cox et al., "Commercializing profile-driven optimization," Proceedings of the 28 th Hawaii International Conference on System Sciences, vol. 1 Maui, HI, pp. 221-228 (Jan. 1995)		
			Dean, ProfileMe: Hardware Support for Instruction-Level Profiling on Out-of-Order Processors," Proceedings of 30th Annual Intl. IEEE/ACM Symp. on Microarchitecture, pp. 292-302 (Dec. 1997)		
			R.E. Hank, et al., "Region-Based Compilation: An Introduction and Motivation" Proceedings of the 28th Annual International Symposium on Microarchitecture, pp. 158-168 (Dec. 1995)		
			Intel Corporation, Intel Processor Family Developer's Manual (1997), pages 1-1 to 1-6, 2-1 to 2-20		
			Intel Corporation, Intel Processor Family Developer's Manual (1997), vol. 3 (Architecture and Programming Manual), pages 3-1 to 3-3, 3-10 to 3-13, 12-1 to 12-27, 14-1 to 14-30		
			Kim and Tyson: Analyzing the Working Set Characteristics of Branch Execution, Proceedings of the 31st Annual ACM/IEEE International Symposium on Microarchitecture, pp. 49-58 (Dec. 1998)		
			Monica S. Lam, Robert P. Wilson, Limits of Control Flow on Parallelism, Proceedings of the 19th Annual International Symposium on Computer Architecture, p.46-57 (May 1992)		
			Larus and Schnarr: EEL: Machine-Independent Executable Editing, EEL: Machine-independent executable editing. In Proceedings of the ACM SIGPLAN Conference on Programming Language Design and Implementation (PLDI), 1995		
			M. Lipasti and J. Shen. Exceeding the Data-Flow Limit Via Value Prediction, 29th International Symposium on Microarchitecture, pages 226-237, IEEE (Dec. 1996)		
			K.N.P. Menezes, "Hardware-based profiling for program optimization," Ph.D. thesis, Department of Electrical and Computer Engineering, North Carolina State University, Raleigh, North Carolina (1997)		
			Peterson, "The Profile Naming Service," ACM Transactions on Computer Systems (TOCS), v.6 n.4, p.341-364 (Nov. 1988)		
			Veen: Dataflow Machine Architecture, ACM Computing Surveys vol. 18 no. 4 pp. 365-96 (December 1986)		
EXAMINER			DATE CONSIDERED		

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